

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2009 FEB 26 AM 11:18

CLERK
SO. DIST. OF GA.

UNITED STATES OF AMERICA

v.

DONALD WHITEHEAD

INDICTMENT NO. CR605-00009-001


ORDER

On December 7, 2005, Defendant was sentenced by this Court to 188 months imprisonment following Defendant's plea of guilty to conspiracy to manufacture and to distribute a quantity of cocaine base. On February 9, 2009, the Government filed a Rule 35 motion requesting that the Court reduce Defendant's sentence in response to his "significant" cooperation with the Government.

The Court has reviewed Defendant's case and recalls that he was associated with a significant quantity of cocaine base, and that he was a career offender by virtue of two prior felony convictions involving the possession with intent to distribute illegal drugs. The Court also recalls that Defendant had no reported earnings during the five years preceding his arrest. On the other hand, the Court is mindful of the fact that Defendant received no benefit from the recent retroactive cocaine base guideline amendment because of his career offender status.

The Court agrees that Defendant's cooperation with the Government deserves some recognition, and hereby **GRANTS** the Government's motion. It is ordered that Defendant's sentence is reduced from 188 months to **162 months**.

SO ORDERED, this 26 day of February, 2009.


B. Avant Edenfield
United States District Judge
For the Southern District of Georgia